

STATEMENT OF PURPOSE

RS19700

The bill would amend Idaho Code § 16-1633, relating to the duties and responsibilities of a guardian ad litem (GAL) in Child Protective Act (CPA) cases. It has been recommended by the Supreme Court's Child Protection Committee, which includes judges and a broad range of professionals with substantial experience in the area of child abuse and neglect, including representatives of prosecuting attorneys, the Attorney General's Office, public defenders, guardians ad litem, tribal officials, the Department of Health & Welfare, CASA program directors, and private child welfare agencies. The amendments would: (1) confirm current practice and explicitly state that the GAL has a duty to advocate for the best interests of the child; (2) require the GAL to provide a report to the court prior to any adjudicatory, review or permanency hearing; (3) require the GAL, when possible, to obtain the child's wishes regarding permanency and communicate those wishes to the court; and (4) provide authority for the GAL to confer with any person or entity having information relevant to the CPA case in order to make recommendations regarding the best interests of the child. The bill would also remove some provisions in § 16-1633 that go beyond the scope of what a GAL should be responsible for in a CPA case.

FISCAL NOTE

There is no fiscal impact.

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